REMARKS

§112 Amendments

Claims 1-20, 57-60, and 70-75 were rejected under 35 U.S.C. §112, ¶1 as failing to comply with the enablement requirement. Specifically, it is asserted that the specification does not adequately disclose how a start point of a first portion can be identified in response to finding a clip and how the first portion can be stored from the start including the clip.

The specification is believed to be enabling. For example, referring to Figure 1, a receiver, a storage system, and a processing system are shown. The storage system includes storage for a stream, a clip, and a block. Page 3, lines 14-20. The receiver receives and may record a media stream. Page 4, lines 4-6. The receiving and storing may be *ongoing*. Page 5, lines 7-8. Because the receiving and storing may be ongoing in some embodiments, a start point may be identified so that a portion of the media stream that includes the start of the portion and the clip can be stored. See pages 4-6 of the specification and Figures 1-2 for additional support. Reconsideration of the rejection is requested.

Claim Rejections – Prior Art

Claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by Nishiuchi.

Claim 1 has been amended to call for receiving a media stream to store said media stream in a first storage unit, searching the stored media stream for a clip of a first portion of the media stream, the clip previously captured at random and stored in a second storage unit, and when the clip is found, storing in a third storage unit the first portion of the media stream from an identified start of the first portion and including the clip, otherwise when the clip is not found discarding some of the searched media stream.

Nishiuchi fails to disclose every limitation of claim 1. For example, Nishiuchi merely continues recording or begins recording after agreement. [0008]. That is, if there is agreement between an input signal and the stored data of the memory section,

recording continues. But, where the two do not agree recording is stopped and does not begin again unless there is coincidence within an allotted time. Thus, recording starts after agreement is determined. There is no indication that Nishiuchi stores a random clip of a program and attempts to find the beginning of the program after determining agreement to begin recording at the beginning of the program. Also, there is no indication that Nishiuchi stores a media stream in a first storage unit and discards a segment of that media stream after it is determined that the segment does not contain the clip.

In contrast, in an embodiment of the present invention, a clip may be captured at random; is not limited to just the beginning of a portion of a media stream. Therefore, in some embodiments the start of the portion may be identified so that the portion may be stored from the beginning, the stored portion including the clip. Also, in an embodiment, a segment of the media stream in which the clip is not found is removed from storage. Nishiuchi fails to disclose these features. Thus, for at least these reasons, claim 1 and claims dependent thereon are believed to be patentable.

For at least the same reasons as indicated with respect to claim 1, independent claims 14 and 70 and respective dependent claims are also believed to be patentable over Nishiuchi.

Independent claim 61 was rejected under 35 U.S.C. § 102(b) as being anticipated by Honma.

Claim 61 calls for storing a clip of a media stream at a first time, at a time later than the first time, finding two blocks of content in the media stream based on the identification of the clip in the media stream, and comparing the two blocks.
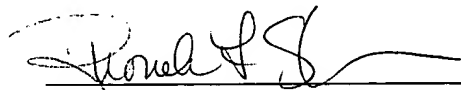
In some embodiments of the present invention, a block may be a song or a portion thereof. As one example, when a clip of a song is found in an incoming media stream a song corresponding to the clip may be stored in a storage. The newly stored song may be compared to a prior stored version of the song. If the newly stored song is a better rendition than the one previously stored, then the new rendition may be retained. Otherwise, the new rendition may be discarded.

Honma fails to disclose storing a clip of a media stream at a first time, and later finding two blocks of content including the clip, the finding of content blocks based on identifying the clip in the media stream. For example, Honma uses an electronic programming guide (EPG) to retrieve a rebroadcast of the same program. *See* abstract; [0016]; [0017]. Thus, in Honma if there is a subsequent recording, it is the result of finding information in the EPG. For at least these reasons, Honma does not anticipate claim 61 or claims dependent thereon.

In view of the amendments and remarks herein, the application is believed to be in condition for allowance. The examiner's prompt action in accordance therewith is respectfully requested. The commissioner is authorized to charge any additional fees, including extension of time fees, or credit any overpayment to Deposit Account No. 20-1504 (ITL.0788US).

<div align="center">Respectfully submitted,</div>

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